

### **DETAILED ACTION**

1. Applicants' amendment filed June 24, 2009 is acknowledged. Claims 2, 6, 15-18 and 25-35 are deleted. Claims 1 and 36 are amended. Now, Claims 1, 3-5, 7-14, 19-24 and 36-53 are pending.

2. Claim rejection(s) under 35 USC 102/103 in the previous Office Action (Paper No. 20090328) is/are removed.

Applicants' argument set forth in Remarks (i.e., the microstructure of the polymer derived from polymerizing conjugated dienes using alkaline or alkaline earth as an initiator is different from that obtained by using Ozawa's initiator) is persuasive. It is also supported by Ozawa's (US 6 992 147) own disclosure that anionic polymerization of conjugated dienes (typically in alkaline or alkaline earth initiator, e.g., *n*-butyllithium) would yield a polymer having much less cis-1,4 microstructures than that obtained using Ozawa's coordination initiator. (col. 1, lines 21-52 and Examples 42-51)

### ***Allowable Subject Matter***

3. Claims 1, 3-5, 7-14, 19-24 and 36-53 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The present claims are allowable for at least the following reason(s) over the closest references: Ozawa (WO 01/34658, US 6 191 247)

Ozawa discloses a composition comprising a modified polymer derived by a process of treating a pseudo-living polymer with a hydrocarbyloxsilane compound according to the instant claims. (col. 5, line 38 to col. 11, lines 24) The relative amount of the hydrocarbyloxsilane to the lanthanide is described in col. 11, lines 20-24. However, Ozawa does not teach or fairly suggest the claimed process where an **alkaline metal** compound and/or an **alkaline earth metal** compound is/are employed as polymerization initiator(s). Also, the modified polymer is not the same as that in the claimed invention because of the polymer **backbone** **microstructure** difference. Therefore, after condensation, the condensed modified polymers are inherently different.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck, can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp  
October 27, 2009

/Kuo-Liang Peng/  
Primary Examiner, Art Unit 1796